REPLY

Applicant initially thanks the Examiner for her courtesy and cooperation extended in a telephone interview conducted with applicant's attorney, Joseph M. Konieczny, on June 25, 2002. Applicant has amended the claims consisting with the telephone interview.

Applicant notes with appreciation that the substitute drawings submitted on May 21, 2001 were approved by the Examiner.

The abstract submitted in applicant's previous response was objected to because it was not presented as a single paragraph. In response, applicant has amended the specification by substituting a new abstract in single paragraph form.

Claims 1-30 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification. Applicant respectfully traverses the assertion that new matter was added to the application by applicant's previous amendment. The "slit" recited in claims 1, 22 and 29 is clearly disclosed, for example, in Fig. 1. Nevertheless, applicant believes that the section 112, first paragraph, rejection is now moot in view of applicant's amendment to independent claims 1, 22 and 29 which was discussed during the June 25, 2002 telephone interview.

Claims 1-42 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctively claim the subject matter which applicant regards as the invention. As discussed below, applicant has amended the claims to address the informalities recited in the Official Action.

The Official Action states that the limitation " slit" in claims 1, 22 and 29 creates confusion as to how the slit diameter differs from the socket diameter. While applicant believes that claims 1, 22 and 29 satisfy 35 U.S.C. § 112, applicant has amended claims 1,

22 and 29 to recite the relationship between the diameter of the socket and the structure of the mounting bracket using the language suggested by the Examiner in the telephone interview. The amendments to claims 1, 22 and 29 do not narrow the scope of said claims but rather recite equivalent structural language.

The Official Actions states that the diameter of a standard laboratory pipette as recited in claims 1, 22 and 29 is not clear since many different types of pipettes are used in the industry. Applicant believes said limitation satisfies 35 U.S.C. § 112 since one of ordinary skill in the art would understand, without undue experimentation, the limited range of laboratory pipettes which are used in the industry. Claim language is not indefinite merely because the claim limitation contains a broad range. Nevertheless, applicant has deleted reference to a standard laboratory pipette from the claims.

The Official Action states that in claims 35 and 38, it is unclear how the valve is "constructed and arranged" to selectively regulate the flow of air through the conduit. While applicant believes that the phrase "constructed and arranged" satisfies the requirements of 35 U.S.C. § 112, applicant has amended claims 35 and 38 by deleting the phrase "constructed and arranged" and substituting therefore the word "which."

The Official Action states that in claims 35 and 38, the term "generally" is not a positive recitation and renders the claim indefinite. In response, while applicant believes that the term "generally" as used in claim 1 satisfies 35 U.S.C. § 112, applicant has amended claim 1 by deleting the words "generally vertically".

The Official Action also states that it is unclear as to what applicant means by the phrase "oriented generally, vertically downwardly." In response, applicant has deleted the language "oriented generally" from claims 35 and 38.

Claims 1-14, 22, 28-30 and 43 are rejected under 35 U.S.C. § 103 (a) as being

unpatentable over Kenney, U.S. Patent No. 5,090,255, in view of Columbus, U.S. Patent No. 4, 437,586. Applicant respectively traverses the rejection under 35 U.S.C. § 103.

Independent claims 1, 22, 29 and 43 are not taught, disclosed or suggested by the combination of Kenney and Columbus. Claims 1, 22, 29 and 43 now recite:

> a mounting bracket fixed to and extending transverse to said base, said bracket including a fork having a base end and a plurality of prongs, and a socket formed in between said prongs, said socket having an open top, an open bottom, and diameter which is larger than the distance between said prongs, said socket removably holding said gun with said pipette connector oriented downwardly by passing the pipette through said prongs and inserting said pipette connector into said socket through the top.

Neither Kenney or Columbus teach, disclose or suggest the above-cited claim language.

On page 5 of the Official Action, it is alleged that Columbus discloses a "socket comprising a slit which extends from the top of the socket portion to the bottom. This slit having a width which is smaller than the diameter of the socket (Fig. 1)." Official action, p.5. This factual insertion appears to be incorrect. Referring to Fig. 1 of Columbus, the distance between the two end flanges 46, 48 is the same as the diameter of the circular ends of the notches 50, 52, respectively. The specification of Columbus is devoid of any reference to a socket having a diameter which is larger than the distance between the prongs as recited in independent claims 1, 22 and 29. Therefore, independent claims 1, 22, 29 and 43 are not taught, disclosed or suggested by Kenney or Columbus.

Claims 2-14 are dependent on claim 1 and are believed to be patentable for the same reasons discussed above with respect to claim 1. Claim 28 is dependent on claim 22 and is believed to be patentable for the same reasons discussed above with respect to claim 2. Claim 30 is dependent on claim 29 and is believed to be patentable for the same reasons discussed above with respect to claim 29.

Claims 18-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over

Kenney in view of Columbus as applied to claim 1 above, and further in view of Nycum, U.S. Patent No. 4, 066,234. Claims 18-21 are dependent on independent claim 1 and are believed to be patentable for the same reasons discussed above with respect to claim 1.

Claims 35-42 are indicated to be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. As discussed above, independent claims 35 and 38 have been amended. Applicant believes that claims 35-42, as amended, are in condition for allowance.

In view of the above-amendments and remarks, applicant believes that the claims define a new, useful and non-obvious invention. Accordingly, an early notice of allowance is earnestly solicited.

Respectively submitted,
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JMK/---

Marked-Up Version of Claims

1. (Amended twice) A pipette gun and holster apparatus having a remote source of positive and negative air pressure, said apparatus comprising:

a) a pipette gun having an external, flexible conduit connecting said gun to said remote air pressure source, said gun including:

i) a housing having a hand grip portion and a barrel portion oriented transverse to said hand grip portion;

ii) a pipette connector fixed to and oriented transverse to said barrel portion;

iii) an internal conduit connected to said external flexible conduit and said pipette connector;

iv) a valve intermediate said internal conduit which selectively regulates the flow of either positive air pressure or negative air pressure through said internal conduit to said pipette connector;

v) a positive air flow trigger and a negative air flow trigger connected to said valve;

b) a gun holster which supports said gun above a work table with said pipette connector oriented downwardly, said holster including:

i) a base;

ii) means for fastening said base to a vertical wall;

iii) a mounting bracket fixed to and extending transverse to said base, said bracket including a <u>fork having a base end and a plurality of prongs, and a socket formed in between said prongs, said</u> socket having an open top, an open bottom, <u>and diameter which is larger than the distance between said</u>

prongs, [and a slit extending lengthwise from the top of the socket to the bottom of the socket],

[said slit having a width which is smaller than the diameter of said socket and said pipette connector but larger than the diameter of a standard laboratory pipette connected to said pipette connector,]

said socket removably holding said gun with said pipette connector oriented downwardly by passing the pipette through said prongs [the slit] and inserting said pipette connector into said socket through the top.

3. (Amended) The apparatus recited in claim 2, one end of said recoiling portion being connected to said gun and the other end of said recoiling portion being connected to said holster base.

4. (Amended) The apparatus recited in claim 3, said external conduit including a non-recoiling portion extending from said holster base to said air pressure source.

5. (Amended) The apparatus recited in claim 4, including a male prong connector fixed to said holster base for removably joining said recoiling portion and non-recoiling portion of said external conduit.

15. (Amended twice) The apparatus recited in claim 1, including a first switch proximate said socket, said switch regulating [the flow of power to] said remote air source [when said gun is parked in said holster].

22. (Amended) A holster for supporting a pipette gun on a vertical surface above or proximate a table top, said pipette gun having a negative and positive air pressure source, pipette connector and a pipette attached to said connector, said holster comprising:

a) a base;

b) means for fastening said base to a vertical wall;

c) a mounting bracket fixed to and extending transverse to said base, said bracket including a fork having a base end and a plurality of prongs, and a socket formed in between said prongs, said socket having an open top, an open bottom, and diameter which is larger than the distance between said prongs, [and a slit extending lengthwise from the top of the socket to the bottom of the socket],

[said slit having a width which is smaller than the diameter of said socket and said pipette connector but larger than the diameter of a standard laboratory pipette connected to said pipette connector,]

said socket removably holding the [said] gun with the [said] pipette connector oriented downwardly by passing the pipette through said prongs [the slit] and inserting the [said] pipette connector into said socket through the top.

23. (Amended twice) The holster recited in claim 22, including a first switch proximate said socket, [said first switch regulating the flow of power to said air source,] said first switch deactivating said air source when the pipette gun is parked in said holster and energizing said air source when the pipette gun is removed from said holster.

25. (Amended) The apparatus recited in claim 24, said socket having a diameter DS larger than the distance DP between the prongs of said at least one fork, a diameter DS

greater than the maximum outer diameter DC of the pipette connector, and a distance DP less than DC. [said pipette connector having a maximum outer diameter DC less than DS but greater than DP.]

27. (Amended) The apparatus recited in claim 26 for use with a pipette gun having a [, said pipette connector having a] frusto-conical shaped pipette connector [shape], a maximum outer diameter DC1, and a minimum outer diameter DC2, DC1 being greater than DP1, DP2 and DS2 but less than DS1, [and a minimum outer diameter] DC2 being less than DS1, DP1 and DS2.

29. (Amended twice) A method of metering fluid using a pipette gun, comprising the steps of:

a) providing a pipette gun having a remote air pressure source and holster assembly, said holster having a base, means for fastening said base to a vertical surface, a mounting bracket fixed to and extending transverse to said base, said bracket including a fork having a base end and a plurality of prongs, and a socket formed in between said prongs, said socket having an open top, an open bottom, and diameter which is larger than the distance between said prongs, [and a slit extending lengthwise from the top of the socket to the bottom of the socket],

[said slit having a width which is smaller than the diameter of said socket and said pipette connector but larger than the diameter of a standard laboratory pipette connected to said pipette connector,]

said socket removably holding said gun with said pipette connector oriented downwardly by passing the pipette through the prongs [slit] and inserting said pipette

connector into said socket through the top;

b) removably fastening said holster to a vertical surface next to or proximate a horizontal work table top;

c) parking the pipette gun in the holster above the work table with said pipette connector and pipette oriented downwardly out of contact with the table top;

d) removing said pipette gun from said holster and metering fluid with said gun.

35. (Amended) A pipette gun and holster apparatus having a remote source of positive and negative air pressure, said apparatus comprising:

a) a pipette gun having an external, flexible conduit connecting said gun to said remote air pressure source, said gun including:

i) a housing having a hand grip portion and a barrel portion oriented transverse to said hand grip portion;

ii) a pipette connector fixed to and oriented transverse to said barrel portion;

iii) an internal conduit connected to said external flexible conduit and said pipette connector;

iv) a valve intermediate said internal conduit <u>which</u> [constructed and arranged to] selectively <u>regulates</u> [regulate] the flow of either positive air pressure or negative air pressure through said internal conduit to said pipette connector;

v) a positive air flow trigger and a negative air flow trigger connected to said valve;

b) a gun holster which supports [constructed and arranged to supports] said gun above a work table with said pipette connector oriented [generally, vertically] downwardly, said holster including:

i) a base;

ii) means for fastening said base to a vertical wall;

iii) a mounting bracket fixed to and extending transverse to said base, said bracket having a bottomless socket which [constructed and arranged to receive and] removably holds [hold] said gun by inserting said pipette connector into said socket, including a first switch proximate said socket, said switch regulating the flow of power to said remote air source [when said gun is parked in said holster].

36. (Amended) The apparatus recited in claim 35, said first switch deactivating said remote air source when said pipette gun is parked in said holster, and said first switch energizing said remote air source when said pipette gun is removed from said holster.

37. (Amended) The apparatus recited in claim 35, including a second switch which deactivates said remote air source independent of said first switch.

38. (Amended) A holster for supporting a pipette gun on a vertical surface above or proximate a table top, said pipette gun having a negative and positive air pressure source, pipette connector and a pipette attached to said connector, said holster comprising:

a) a base;

b) means for fastening said base to a vertical wall;

a) providing a pipette gun having a remote air pressure source and holster assembly, said holster having a base, means for fastening said base to a vertical, a mounting bracket fixed to and extending transverse to said base, [said bracket having a bottomless socket], said bracket including a fork having a base end and a plurality of prongs, and a socket formed in between said prongs, said socket having an open top, an open bottom, and diameter which is larger than the distance between said prongs, said socket removably holding said gun with said pipette connector oriented downwardly by passing the pipette through said prongs and inserting said pipette connector into said socket through the top;

b) removably fastening said holster to a vertical surface next to or proximate a horizontal work table top;

c) parking the pipette gun in the holster above the work table with said pipette connector and pipette oriented downwardly out of contact with the table top;

d) removing said pipette gun from said holster and metering fluid with said gun; and

e) automatically inactivating said external air pressure source when said pipette gun is parked in said holster and automatically activating said external air pressure source when said pipette gun is removed from said holster.